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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,178	09/12/2003	Fredric Louis Abrams	MTY 065 P2 CI-3	8293
34232	7590	12/15/2006	EXAMINER	
MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419			EASHOO, MARK	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/661,178

Applicant(s)

ABRAMS ET AL.

Examiner

Mark Eashoo, Ph.D.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10-16-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 83-87, 94 and 95 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 83-87, 94 and 95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/06</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement filed 16-OCT-2006 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Accordingly, it has been placed in the application file and the information referred to therein has been considered as to the merits.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 95 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 95 contains the trademark/trade name "Teslin". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a particular polymeric sheet material and, accordingly, the identification/description is indefinite.

For the purpose of further examination, this limitation has been interpreted as a polymeric or plastic sheet.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 83 and 95 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson (US Pat. 3,504,063).

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Lemelson teaches the claimed process of: situating a plastic sheet, having decoration/printing thereon, into a mold (9:55-10:75); adding a molding material to a mold and compression molding (3:35-70); and wherein the plastic sheet becomes an integral part of the surface of the molded article (3:35-70).

Lemelson further teaches that the plastic sheet is printed/decorated on either or both sides of the sheet which is placed against that mold, therefore it is inherent that the decorated or printed surface of the sheet faces away from the molded part.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US Pat. 3,504,063) in view of Jameson (US Pat. 5,238,633).

Lemelson teaches the basic claimed process as set forth above regarding claim 83. Lemelson does not teach shredding a contaminated polymer and using it as a molding material. Nonetheless, Jameson teaches shredding a contaminated polymer and using it as a molding material (1:5-20, 2:1-15 and 5:15-30). Lemelson and Jameson are combinable because they are concerned with a similar technical difficulty, namely, providing a molten resin to a molding device. At the time of invention a person of ordinary skill in the art would have found it obvious to have shredded a contaminated polymer and used it as a molding material, as taught by Jameson, in the process of Lemelson, and would have been motivated to do so in order to use lower cost materials (ie. economic benefit).

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Claim 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US Pat. 3,504,063) in view of Hawley (US Pat. 5,165,941).

Lemelson teaches the basic claimed process as set forth above regarding clam 83. Lemelson does not teach forming the molding material into a billet and prior to molding. Nonetheless, Hawley teaches forming the molding material into a billet and prior to molding (1:5-20, 2:1-15 and 5:15-30). Hawley further teaches processing a molding material in the range of 400-700°F, depending upon the particular material used (8:30-40). Lemelson and Hawley are combinable because they are concerned with a similar technical difficulty, namely, compression molding. At the time of invention a person of ordinary skill in the art would have found it obvious to have formed the molding material into a billet and prior to molding, as taught by Hawley, in the process of Lemelson, and would have been motivated because Hawley suggest that such billet forming step allows an equivalent and alternative means for loading a compression mold.

Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US Pat. 3,504,063).

Lemelson teaches the basic claimed process as set forth above regarding clam 83. Lemelson does not teach forming a generally planar part. Nonetheless, parts of various shapes and sizes are well known in the molding art. At the time of invention a person of ordinary skill in the art would have found it obvious to have formed a part in a particular shape and size, as commonly practiced in the art, in the process of Lemelson, and would have been motivated to do so in order to provide a consumer molded part in a shape and size required for the parts end use.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892.

### *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Eashoo, Ph.D.  
Primary Examiner  
Art Unit 1732

12-Dec-06  
me

12/Dec/06